

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

HASHIM FARLOW,	:	
	:	
Plaintiff	:	
	:	CIVIL ACTION NO. 3:20-349
v.	:	
	:	(JUDGE MANNION)
B. CONWAY,	:	
	:	
Defendant	:	

AMENDED ORDER

Presently before the court is the report and recommendation of Magistrate Judge Martin C. Carlson (“Report”) ([Doc. 43](#)), which recommends that defendant Conway’s (“Conway”) motion for summary judgment, ([Doc. 31](#)), be granted. No objections have been filed to the Report. Based on the court’s review of the record in this matter, the Report is adopted in its entirety and the Defendant’s motion for summary judgement will be **GRANTED**.

When no objections are made to the report and recommendation of a magistrate judge, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” [Fed.R.Civ.P. 72\(b\)](#); advisory committee notes; see *also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987))

(explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); M.D.Pa. L.R. 72.31.

Farlow filed a complaint alleging an Eighth Amendment claim against Conway for verbal and sexual harassment. Having reviewed the filings, this court agrees with Judge Carlson that Farlow's Eighth Amendment claim fails because while the actions ascribed to Conway are condemnable, they "do not reach the level of a violation of the Eighth Amendment" as Farlow's claim relies on a "single episode of offensive verbal conduct, which was unaccompanied by any other physical contact or sexual abuse that can be attributed to Defendant Conway." ([Doc. 43](#) at 11, 14).

The court has reviewed the entire Report of Judge Carlson and agrees with the sound reasoning, which led him to his recommendation. As such, the court adopts the Report of Judge Carlson as the opinion of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

(1) The Report of Judge Carlson ([Doc. 43](#)) is ADOPTED IN ITS ENTIRETY;

(2) Defendant's motion for summary judgement (Doc. 31) is

GRANTED;

(3) The Clerk of Court is directed to **ENTER** judgment in favor of the Defendant and against the Plaintiff.

(4) The Clerk is further directed to **CLOSE** this case.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATE: December 23, 2021

20-349-08